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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TERESA MARTINEUA and ARNOLD N. BLINN

Appeal 2009-011248
Application 09/698,379
Technology Center 3600

Before, HUBERT C. LORIN, JOSEPH A. FISCHETTI, and BIBHU R. MOHANTY, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-11, 41-49. Claims 12-40 are withdrawn from consideration. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We AFFIRM.

THE INVENTION

Appellants claim a method for an electronic shopping mall/online shopping portal, or an item list system provided as a software service. (Specification 2: 10-11).

Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A system that facilitates electronic shopping through an electronic item list for items residing on the Internet comprising:
> an item database holding information with respect to items, the information is at least one of an offer type, a general product type, a specific manufacturer type and a specific merchant type;
>
> an item list database that stores an item list that includes a reference to at least one item associated with the information stored in the item database; and
>
> an interface component that receives a request to display the item that is referenced in the item list, accesses the item list database to obtain the reference from the item list, utilizes the reference as a key into the item database, retrieves data corresponding to the referenced item from the item database, and utilizes the retrieved data to display the item and associated information to the requester.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Lee	US 6,611,814 B1	Aug. 26, 2003
Hus	US 7,013,292 B1	Mar. 14, 2006

NetGift (a collection of articles and web pages see PTO 892, Netgift 1 – Netgift 7), 06/21/2007.

FINDINGS OF FACT

The following rejections are before us for review.

The Examiner rejected claims 1, 2, 5-7, 9-11, 41, 42 and 45-48 under 35 U.S.C. § 102(e) as being unpatentable over Lee.

The Examiner rejected claims 3, 4, 43 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Hsu.

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of NetGift.

The Examiner rejected claims 8 and 44 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of NetGift.

ISSUE

The issue of obviousness turns on whether a person with ordinary skill in the art would understand that the links associated with the wish lists in Lee are *references* to the items in the list?

FINDINGS OF FACT

1. Lee discloses that the shopper:

> [R]equests one or more Web pages that describe one or more products provided by the online store. To request Web pages describing products, the shopper 101 uses one or more 60 methods the online store 120 provides for finding product information (called shopping metaphors) including hierarchical browsing by following hyperlinks, a keyword-based product search, a parametric search, and a build-to-order product configuration.

(Col. 5, ll. 57-65.)

2. Lee further discloses:

> Wish lists 800 is one example of 10 such services. A user can visit an online store which provides a wish list service, register for the wish list service, and add one or more products supplied by the store to his or her wish list. The user allows others who are interested to know how to access his or her wish List in the online store 120. If a 15 shopper wants to purchase one or more products (e.g., as gifts) for the wish list owner, he or she can visit the online store 120, access the wish list, and purchase one or more products in the wish list 800 for the owner.

(Col. 6, ll. 8-17.)

3. Lee also discloses that:

> …the content of multiple actual wish lists of a shopper can be merged into one virtual wish list 900 which provides information about products its owner is interested in buying along with stores where the products are sold.

(Col. 6, ll.34-38.)

4 Lee further discloses that:

> If the online store 120 finds an actual wish list 800 of one or more persons in the recipient list 702, then it uses the List 800 for selecting one or more products for the person.

(Col. 6, ll. 42-45.)

5. Lee discloses:

> … shoppers 101 with virtual wish lists 900 (by using the service of virtual wish list providers 130) and product information (i.e., product list **1200)** with store links, while not directly providing the checkout process for transaction completion. Shoppers **101** visit stores by following the links provided by the portal Web site for completing transactions.

(Col. 6, ll. 65-col.7, l. 4.)

6. Lee discloses creating a wish list 900 by storing Web page requests in a database. (Col. 11, ll. 46-56.)

7. Lee discloses using the web links to identify a product on list for which a recipient has shown interest, clicks on the hyperlink to examine the Web page presenting the product. (Col. 13, ll. 6-8.)

8. The ordinary and customary definition of the term "reference" as defined by Merriam Webster's Collegiate Dictionary is: "*b* **:** something (as a sign or indication) that refers a reader or consulter to another source of information (as a book or passage)" (http://www.merriam-webster.com/dictionary/reference)

ANALYSIS

Appellants' arguments against the rejection of each independent claim are based on perceived deficiencies of Lee. Inasmuch as Appellants raise the same issues with respect to each of these claims, we discuss them together, addressing each of Appellants' arguments in turn.

Appellants argue that "Lee merely discloses a system and a method for generating virtual wish lists for assisting shopping over computer networks. Lee discloses a system that provides for virtual wish lists, while not requiring the users to register to online stores for using the wish list service, and not requiring the users to add products to buy to their wish lists." (Appeal Br. 8.)

We disagree with Appellants because we find that Lee explicitly discloses an actual wish list 800 wherein a user can "register for [a] … wish list service" and "add one or more products supplied by the store to his or her wish list". (FF 2). Once created, either as an actual or virtual list, we find no distinction between these lists because Lee discloses that the content of multiple actual wish lists of a shopper can be merged into one virtual wish list 900. (FF 3)

Appellants next argue that "Lee is completely silent with respect to utilizing any such references to items to extract items from the item database and therefore fails to provide an item list that has current product information." (Appeal Br. 6.)

In light of the breadth of the claim, the Appellants' argument is not persuasive as to error in the rejection. We find that the term "reference" is not defined in the Specification. The ordinary and customary definition of "reference" is "something (as a sign or indication) that refers a reader or consulter to another source of information (as a book or passage)". (FF 5)

The Examiner found that in Lee, each wish list contains "…information that is later used to retrieve product listings…." (Answer 7). We agree with the Examiner because we find that Lee discloses the claimed *reference* in the form of at least Web page request links (FF 5,6) which the user uses to access a product in a wish list database (FF 6) to identify a product on a list for which a recipient has shown interest, clicks on the hyperlink to examine the Web page and thus references an item in an item list, and thus access the item list database to obtain

the reference from the item list using the reference as a key into the item database so as to retrieves data corresponding to the referenced item from the item database.

We also affirm the rejections of dependent claims 3, 4, 6, 43, 49 since Appellants have not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987)).

CONCLUSIONS OF LAW

We conclude the Examiner did not err in rejecting claims 1-11, 41-49 under 35 U.S.C. § 103(a).

DECISION

The decision of the Examiner to reject claims 1-11, 41-49 is AFFIRMED.

AFFIRMED

MP